

REMARKS

The references cited by the Examiner in the rejections of the claims along with the Examiner's comments have been diligently studied. Reconsideration of the above-identified patent application in view of the amendment above and the remarks below is respectfully requested.

Claim 21 has been amended. Claim 1 and 20 have been canceled. No new claims have been added. Therefore, claims 21 and 22 are under active consideration.

Claims 1 and 21 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. In support of the rejection, the Examiner commented,

The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The examiner notes that MPEP 2163.02 states:

If a claim is amended to include subject matter, limitations, or terminology not present in the application as filed, involving a departure from, addition to, or deletion from the disclosure of the application as filed, the examiner should conclude that the claimed subject matter is not described in that application. This conclusion will result in the rejection of the claims affected under 35 U.S.C. 112, first paragraph - description requirement, or denial of the benefit of the filing date of a previously filed application, as appropriate.

By adding that the invention may "at least one of said panels being shaped to include an opening in communication with the interior cavity in claims 1 and 21".

The amended claim involves a departure from the disclosure of the application as filed. Therefore, the subject matter claimed in claims 1 and 21, detailing the entire scope of the invention, is not described in the application.

The examiner also notes that MPEP 2163.05 also states:

The failure to meet the written description requirement of 35 U.S.C. 112, first paragraph, commonly arises when the claims are changed after filing to either broaden or narrow the breadth of the claim limitations, or to alter a numerical range limitation or to use claim language which is not synonymous with the terminology used in the original disclosure to comply with the written description requirement of 35 U.S.C. 112, para. 1, or to be entitled to an earlier priority date or filing date under 35 U.S.C. 119, 120, or 365(c), each claim limitation must be expressly, implicitly, or inherently supported in the originally filed disclosure.

Please note that the inventor is responsible for providing element number for each claimed invention as well as for providing page number, figure number, element number, and column with lines number in the original specification for claims 1 and 21 to verify and in compliance with statute 35 USC 112 first paragraph defined in MPEP and Please note that the claim or claims (1 and 21) must conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims (1 and 21) must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description, see MPEP 608.01(d)(1).

This rejection is respectfully traversed.

With respect to claim 1, applicant wishes to note to the Examiner that claim 1 is being canceled herewith, thereby rendering the rejection moot. With respect to claim 21, applicant wishes to note to the Examiner that claim 21 is being amended herewith to eliminate all use of the phrase in question, thereby rendering the rejection moot.

Withdrawal of the rejection of claims 1 and 21 under 35 U.S.C. 112, first paragraph, is respectfully urged.

Claims 1 and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,130,384 to Esteves et al. (hereinafter Esteves) in view of U.S. Patent No. 4,921,444 to Cama (hereinafter Cama). In support of the rejection, the Examiner commented,

Esteves et al disclose:

Regarding claim 1, The combination of:

- (a) a faceplate 30 (see fig 9, column 3 lines 20-30), said faceplate being sized and shaped to at least partially cover an electrical receptacle having one or more outlets (see fig 10, column 5, lines 20-30); and
- (b) a storage device 10, 190 coupled to said faceplate (see fig 9, column 3 lines 20-47 and column 5 lines 10-15), said storage device being sized and shaped to retain a portable electric appliance (see fig 9 and element number 190 to retain a portable electric appliance), said storage device comprising a pocket shaped holder (see fig 9) which includes a front panel, a rear panel, a pair of side panels and a bottom panel that together define an interior cavity (see fig 9), but fails to disclose at least one of said panels being shaped to include an opening in communication with the interior cavity. Cama teaches the use of a bottom panel of a storage device 8 having opening 42 (see fig 2, column 4 lines 45-55) in order to receive and

frictionally engage different electrical plugs to be stored within the holder. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the bottom panel of storage device of the assembly of Esteves with an opening as taught by Cama in order to receive and frictionally engage different electrical plugs to be stored within the storage device. Regarding claim 20, The combination of:

(a) a faceplate 30 (see fig 9, column 3, lines 20-30), said faceplate being sized and shaped to at least partially cover an electrical receptacle having one or more outlets (see fig 10, column 5 lines 20-30); and

(b) a storage device 10, 190 coupled to said faceplate (see fig 9, column 3 lines 20-47 and column 5 lines 10-15), said storage device being sized and shaped adapted to retain a portable electric appliance (see fig 9 and element number 190 to retain a portable electric appliance), said storage device comprising a front panel, a rear panel, a pair of side panels and a bottom panel which together partially define an interior cavity (see fig 9), but fails to disclose the bottom panel of said storage device being shaped to include an opening in communication with the interior cavity. Cama teaches the use of a bottom panel of a storage device 8 having opening 42 (see fig 2, column 4 lines 45-55) in order to receive and frictionally engage different electrical plugs to be stored within the holder. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the bottom panel of storage device of the assembly of Esteves with an opening as taught by Cama in order to receive and frictionally engage different electrical plugs to be stored within the storage device.

This rejection is respectfully traversed.

With respect to claims 1 and 20, applicant wishes to note to the Examiner that claims 1 and 20 are being canceled herewith, thereby rendering the rejection moot.

Withdrawal of the rejection of claims 1 and 20 under 35 U.S.C. 103(a) as being unpatentable over Esteves in view of Cama is respectfully urged.

Applicant wishes to note for the record that on pages 7-8 of the Office action dated 5-6-05, the Examiner commented,

Claim 21 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, first paragraph and the specification objection, set forth in this Office action.

Claim 22 is allowed.

The following is a statement of reasons for the indication of allowable subject matter: The primary reasons for the indication of the allowability of claims 21-22 are the inclusion therein, in combination as currently claimed, of the limitation of

wherein the second fastening device is sized and shaped to fittingly protrude into the slot and releasably engage the first fastening device (for claim 21) and said storage device including a second fastening device which is sized and shaped to releasably engage the first fastening device (for claim 22).

The previously listed limitation is neither disclosed nor taught by the prior art of record, alone or in combination.

Accordingly, allowance of the application with claims 21 and 22 is earnestly solicited.

If the present Amendment does not place the subject application in condition for allowance, applicant respectfully requests that the Examiner call the undersigned attorney at the number listed below.

If there are any fees due in connection with the filing of this paper that are not accounted for, the Examiner is authorized to charge the fees to our Deposit Account No. 11-1755. If a fee is required for an extension of time under 37 C.F.R. 1.136 that is not accounted for already, such an extension of time is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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Date: 6-14-05

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 6-14-05.

Daniel S. Kriegsman
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